

**KLESTADT WINTERS JURELLER  
SOUTHARD & STEVENS, LLP**

570 Seventh Avenue, 17<sup>th</sup> Floor  
New York, NY 10018  
Telephone: (212) 972-3000  
Facsimile: (212) 972-2245  
Fred Stevens

**Hearing Date: November 19, 2015  
Hearing Time: 2:00 p.m. (EST)**

*Special Counsel to Richard E. O'Connell,  
Chapter 7 Trustee*

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
In re :  
: Chapter 7  
HERMAN SEGAL, :  
: Case No. 13-45519 (NHL)  
: Debtor. :  
-----X

**NOTICE OF AGENDA FOR HEARINGS  
SCHEDULED FOR THURSDAY, NOVEMBER 19, 2015**

---

Time and Date of Hearing: **November 19, 2015** at **2:00 p.m.** (prevailing Eastern Time) (the "Hearing").

Location of Hearing: Courtroom of the Honorable Nancy Hershey Lord, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201-1800

Copies of Pleadings: A copy of each of the pleadings may be viewed on the Court's website at [www.ecf.nyeb.uscourts.gov](http://www.ecf.nyeb.uscourts.gov)

**I. UNCONTESTED MATTERS**

**A. Pretrial Conferences in the Following Adversary Proceedings Commenced September 9, 2015 (those listed in 1(A)(5) below were adjourned and appearances excused)**

**1. Adversary Proceedings Where Trustee will Request Entry of Default Against Defendant**

a. O'Connell v. Darylann Demino; Adv. Pro. No. 15-1133

- b. O'Connell v. 567 Warren St. LLC, Omega Capital Small Cap Fund, Ltd., Omega Venture Capital Ltd., Omega Venture Capital II LLC, Omega Venture Capital III LLC, Omega Venture Capital IV LLC, Cornega Rockaway Holdings LLC, Omega Venture Capital VI LLC, and Omega Venture V LLC; Adv. Pro. No. 15-1135 (Default against all defendants except for Omega Venture Capital V)
  - c. O'Connell v. Chana Weider Trust; Adv. Pro. No. 15-1142
  - d. O'Connell v. Companion Life; Adv. Pro. No. 15-1143
  - e. O'Connell v. Dynamic Diamond Corp.; Adv. Pro. No. 15-1145
  - f. O'Connell v. Shlomo Kolp; Adv. Pro. No. 15-1150
  - g. O'Connell v. Lilly Segal; Adv. Pro. No. 15-1151
  - h. O'Connell v. Ricigliano, Prestino & Reyes; Adv. Pro. No. 15-1154 (default against Dominick Ricigliano only)
  - i. O'Connell v. Toby Rothman Trust #3; Adv. Pro. No. 1156
2. Adversary Proceedings Where Answer was Filed and Scheduling Order Should be Entered
- a. O'Connell v. Grunfeld; Adv. Por. No. 15-1134
  - b. O'Connell v. Deborah Gibbia; Adv. Pro. No. 15-1146
  - c. O'Connell v. Avi Rosenfeld; Adv. Pro. No. 15-1157
3. Adversary Proceedings Settled and Resolved Subject to Court Approval
- a. O'Connell v. American Express; Adv. Pro. No. 15-1132
  - b. O'Connell v. Richard Dinerman; Adv. Pro. No. 15-1144
4. Adversary Proceedings Where Dismissal is Contemplated
- a. O'Connell v. BCB, DeAngelo and Kachmur; Adv. Pro. No. 15-1138
  - b. O'Connell v. ING Reliastar; Adv. Pro. No. 15-1139
5. Adversary Proceedings Where Time Extended and Pretrial Conference Adjourned
- a. O'Connell v. Yocheved Segal; Adv. Pro. No. 15-1136
  - b. O'Connell v. Spiegel, et al.; Adv. Pro. No. 15-1137

- c. O'Connell v. Markowitz; Adv. Pro. No. 15-1140
- d. O'Connell v. MJSYRL Holding; Adv. Pro. No. 15-1141
- e. O'Connell v. Greenbaum; Adv. Pro. No. 15-1147
- f. O'Connell v. Halpert; Adv. Pro. No. 15-1148
- g. O'Connell v. John Hancock; Adv. Pro. No. 15-1149
- h. O'Connell v. Lincoln Life; Adv. Pro. No. 15-1152
- i. O'Connell v. Naftali Berger; Adv. Pro. No. 15-1153
- j. O'Connell v. Rite Capital Group; Adv. Pro. No. 15-1155
- k. O'Connell v. U.S. Life Insurance; Adv. Pro. No. 15-1158

**B. Grunfeld v. O'Connell, et al., Adv. Pro. No. 14-1224 (NHL) – Adversary Proceeding Seeking, Among Other Things, Determination of Who Holds Title to Debtor's Cooperative Apartment in Miami Beach – Pretrial Conference**

Related Documents:

- 1. Grunfeld's Complaint [14-1224 Docket No. 1] (Filed December 3, 2014)
  - a. Summons [14-1224 Docket No. 2] (Filed December 4, 2014)
  - b. Summons Served Certificate of Service [14-1224 Docket No. 3] (Filed December 12, 2014)
  - c. Answer of Robert Steinherz [14-1224 Docket No. 11] (Filed January 9, 2015)
  - d. Answer of The Esquire House of M.B., Inc. [14-1224 Docket No. 21] (Filed February 6, 2015)
  - e. Answer by Yocheved Segal [14-1224 Docket No. 30] (Filed March 2, 2015)

**DEFAULTS:** Herman Segal

- 2. Trustee's (I) Answer to Grunfeld's Complaint with Affirmative Defenses; (II) Counterclaims Against Grunfeld; (III) Cross-Claims Against Herman Segal, Yocheved Segal and Robert Steinherz; and (IV) Third-Party Complaint Against Darylann Demino and John and Jane Does [14-1224 Docket No. 6] (Filed January 5, 2015)

- a. Notice of Deadline to Answer Counterclaims and Cross-Claims [14-1224 Docket No. 7] (Filed January 6, 2015)
- b. Third Party Summons Issued on Darylann Demino and John and Jane Does [14-1224 Docket No. 8] (Filed on January 7, 2015)
- c. Answer to Counterclaims by Larry Grunfeld [14-1224 Docket No. 15] (Filed January 27, 2015)
- d. Answer to Crossclaims by Robert Steinherz [14-1224 Docket No. 19] (Filed February 5, 2015)

**DEFAULTS:** Herman Segal, Darlyann Demino and John and Jane Does of the Miami Coop.

3. Yocheved Segal's Answer, Counterclaims and Cross-Claims [14-1224 Docket No. 30] (Filed March 2, 2015)
  - a. Trustee's Answer to Cross-Claims of Yocheved Segal [14-1224 Docket No. 31] (Filed March 4, 2015)
  - b. Larry Grunfeld's Answer to Counterclaim [14-1224 Docket No. 36]

Status: This matter is going forward. Fact discovery deadline of Nov. 2, 2015, expert report deadline of Dec. 4, 2015, expert discovery deadline of Dec. 18, 2015, and Pretrial conference memo due Jan. 8, 2016. Trustee intends to seek short extension of those deadlines to allow for deposition of Larry Grunfeld on Dec. 1, 2015.

**C. Trustee's Motion for an Order Compelling Meyers Associates, L.P. to Comply with the Trustee's Subpoena and Turn Over all Recorded Information Related to the Debtor's Account [Docket No. 313] (Filed October 14, 2015)**

Related Documents:

1. Affidavit of Service [Docket No. 314] (Filed October 15, 2015)
2. Proposed Order [Docket No. 313-3] (Filed October 14, 2015)
3. Notice of Hearing [Docket No. 313-4] (Filed October 14, 2015)

Status: The status hearing is going forward.

**II. CONTESTED MATTERS**

**A. Debtor's Unfiled October 15, 2015 Motion to Suppress files and to Sanction the**

**Trustee and his Counsel [Filed as Exhibit to Trustee's Opposition at Docket No. 320] (Filed October 28, 2015)**

Related Documents:

1. Trustee's Amended Statement in Opposition [Docket No. 319] (Filed October 28, 2015)
2. Proposed Order [Docket No. 313-3] (Filed October 14, 2015)

Status: The Trustee does not know if Debtor intends to go forward with motion but has included it on the agenda.

**B. O'Connell v. Kolp, et al., Adv. Pro. No. 14-1140 (NHL) – Adversary Proceeding Seeking (I) Turnover of Real Property at 4115 Quentin Road, (II) Authority to Sell Yocheved Segal's Undivided Interest, if any, (III) Determination of the Extent, Validity and Priority of all Liens Against Property, (IV) Avoidance of Certain Liens and Fraudulent Conveyances, (V) Carve-Out of Mortgages for Trustee's Fees and Costs in Disposing of Property, and (VI) Objection to Claims – Pretrial Conference**

Related Documents:

1. Trustee's Complaint [14-1140 Docket No. 1] (Filed October 22, 2014)
  - a. Summons [14-1140 Docket No. 2] (Filed October 23, 2014)
  - b. Affidavit of Service re Service on Domestic and International Defendants [14-1140 Docket No. 6] (Filed October 30, 2014)
  - c. Supplemental Affidavit of Service re Service on Domestic and International Defendants [14-1140 Docket No. 7] (Filed October 31, 2014)
  - d. Notice of Dismissal Without Prejudice Against Defendants First Financial Equities, Inc., GMAC Mortgage, LLC and Bank of America, N.A., Only [14-1140 Docket No. 15] (Filed December 16, 2014)
  - e. Answer to Complaint by Dov Buzaglo, Chaim Israel Horvitz, Baruch Klein, Avigdor Landesman, Betzalel Shmuely, Gilad Shteingart, Eliezer Silber, Dov Skibin, David Zeev [14-1140 Docket No. 48] (Filed May 7, 2015)

**DEFAULTS:** Shlomo Kolp (Judgment Entered January 31, 2015 [Docket No. 29]); Herman Segal (Judgement Entered August 7, 2015 [Docket No. 60]);

Yitzchok Ovadia; Moshe Meshulvin (Motion to be filed pending confirmation of publishing requirement in Israeli newspaper)

2. Yocheved Segal's Answer to Complaint with Counterclaim and Cross-Claims [14-1140 Docket No. 33] (Filed February 19, 2015)
  - a. Trustee's Answer to Counterclaims of Yocheved Segal with Affirmative Defenses [14-1140 Docket No. 41] (Filed March 4, 2015)
  - b. Annette Kleinfeld's and Alma Kim Green's Answer to Cross-Claims [14-1140 Docket No. 44] (Filed March 11, 2015)
  - c. Answer to Cross-claim of Yocheved Segal by Dov Buzaglo, Chaim Israel Horvitz, Baruch Klein, Avigdor Landesman, Betzalel Shmuely, Gilad Shteingart, Eliezer Silber, Dov Skibin, David Zeev [14-1140 Docket No. 49] (Filed May 7, 2015)

**DEFAULTS:** Yitzchok Ovadia; Moshe Meshulvin

3. Annette Kleinfeld's and Alma Kim Green's Answers, Affirmative Defenses, Counterclaims and Cross-Claims [14-1140 Docket Nos. 45] (Filed March 13, 2015)
  - a. Trustee's Answer to Counterclaim of Annette Kleinfeld and Alma Kim Green [14-1140 Docket No. 46] (Filed March 13, 2015)
  - b. Answer to Cross-claim of Annette Kleinfeld and Alma Kim Green by Dov Buzaglo, Chaim Israel Horvitz, Baruch Klein, Avigdor Landesman, Betzalel Shmuely, Gilad Shteingart, Eliezer Silber, Dov Skibin, David Zeev [14-1140 Docket No. 50] (Filed May 7, 2015)

**DEFAULTS:** Shlomo Kolp; Herman Segal; Yitzchok Ovadia; and Moshe Meshulvin

4. Cross-Claims by Dov Buzaglo, Chaim Israel Horvitz, Baruch Klein, Avigdor Landesman, Betzalel Shmuely, Gilad Shteingart, Eliezer Silber, Dov Skibin, David Zeev against Yocheved Segal [14-1140 Docket No. 48] (Filed May 7, 2015)

Status: The status conference is going forward. Current discovery deadlines: Fact discovery completion by Dec. 10, 2015; Expert reports due Jan. 8, 2016; Expert discovery deadline Jan. 29, 2016; Joint Pretrial Memorandum due by Feb. 12, 2016. Trustee intends to seek extension of discovery deadlines to provide for compliance with subpoena to Shlomo Kolp and new witnesses just disclosed by Yocheved Segal if necessary. Trustee also intends to discuss moving forward with sale of Property.

**C. O’Connell v. Kolp, et al., Adv. Pro. No. 14-1140 (NHL) – Adversary Proceeding – Motion for Entry of Default Judgments Against Defendants Yitzchok Ovadia and Moshe Meshulvin [NOTE THAT THIS IS UNCONTESTED BUT IS INCLUDED IN CONTESTED MATTERS SO ALL MATTERS WITH THIS ADVERSARY PROCEEDING ARE HEARD TOGETHER] [14-1140 Docket No. 65] (Filed October 8, 2015)**

Related Documents:

1. Affidavit of Fred Stevens in Support [14-1140 Docket No. 65] (Filed October 8, 2015)
2. Proposed Order and Judgments [14-1140 Docket Nos. 65-2, 3 & 4] (Filed October 8, 2015)
3. Notice of Hearing [14-1140 Docket No. 65-5] (Filed October 8, 2015)
4. Affidavit of Service [14-1140 Docket No. 66] (Filed October 8, 2015)

Status: This matter is going forward.

**C. O’Connell v. Kolp, et al., Adv. Pro. No. 14-1140 (NHL) – Adversary Proceeding – Motion for Entry of Summary Judgment Against Yocheved Segal on the Second Cause of Action in the Complaint [14-1140 Docket No. 68] (Filed October 26, 2015)**

Related Documents:

1. Proposed Order and Judgment [14-1140 Docket No. 68-1] (Filed October 26, 2015)
2. Notice of Hearing [14-1140 Docket No. 68-2] (Filed October 26, 2015)
3. Declaration of Richard E. O’Connell in Support of Plaintiff’s Motion [14-1140 Docket No. 69] (Filed October 26, 2015)
4. Statement of Undisputed Facts Pursuant to Local Bankruptcy Rule 7056-1 [14-1140 Docket No. 70] (Filed October 26, 2015)
5. Affidavit of Service [14-1140 Docket No. 70] (Filed October 27, 2015)
6. Defendant Yocheved Segal’s Opposition [14-1140 Docket No. 73] (Filed November 16, 2015)
  - a. Declaration [Docket No. 74] (Filed November 17, 2015)

- b. Affidavit in Opposition [Docket No. 75] (Filed November 17, 2015)
  - c. Declaration [Docket No. 76] (Filed November 17, 2015)
  - d. Responses Stating Disputed Facts [Docket No. 77] (Filed November 17, 2015)
  - e. Letter from Ziv Ismirly [Docket No. 78] (Filed November 17, 2015)
  - f. Letter [Docket No. 79] (Filed November 17, 2015)
  - g. Amended Response Stating Disputed Facts [Docket No. 80] (Filed November 17, 2015)
- 7. Supplemental Declaration of Richard E. O'Connell in Support of Motion [Docket No. \_\_\_\_] (Filed November 19, 2015)
  - 8. Amended Statement of Undisputed Facts [Docket No. \_\_\_\_] (Filed November 19, 2015)

Status: This matter is going forward.

**D. Trustee's Motion for an Order: (I) Compelling Victoria Prestino and Roderick Reyes to Comply with the Trustee's Subpoenas, (II) Compelling Prestino and Reyes to Turn Over the Property Known as 2179 East 33rd Street, Brooklyn, New York, to the Trustee, and (III) Holding Prestino, Reyes and Debtor in Contempt of this Court's February 8, 2015 Order at Docket No. 176 and Punishing Such Contempt with Appropriate Sanctions [Docket No. 237] (Filed July 3, 2015)**

Related Documents:

- 1. Proposed form of Order [Docket No. 237-7]
- 2. Notice of Hearing [Docket No. 237-8]
- 3. Affidavit of Service [Docket No. 238] (Filed July 7, 2015)
- 4. Court's Order Finding Ownership in the Property and Directing its Sale Pursuant to Terms of Order [Docket No. 176] (Filed February 8, 2015)
- 5. Court's Order Authorizing the Examination of Roderick Reyes and Victoria Prestino [Docket No. 227] (Filed May 16, 2015)
- 6. Objection of Reyes and Prestino to Motion to Compel [Docket No. 244]



(Filed July 15, 2015)

- a. Exhibit to Objection [Docket No. 245] (Filed July 15, 2015)

Status: This matter is going forward if matter is not settled in principle prior to the hearing time.

**E. Victoria Prestino and Roderick Reyes v. Richard E. O’Connell, as Trustee, and Eagle Park Holding, LLC, Adv. Pro. No. 15-01076 (NHL) – Trustee’s Motion to Dismiss Complaint [Docket No. 8] (Filed July 31, 2015)**

Related Documents:

1. Complaint [15-1076 Docket No. 1] (Filed June 29, 2015)
  - a. Answer to Complaint by Eagle Park Holdings, LLC [15-1076 Docket No. 7] (Filed July 23, 2015)
2. Summons and Notice of Pretrial Conference [15-1076 Docket No. 4]
3. Response to Motion to Dismiss [15-1076 Docket No. 10] (Filed August 24, 2015)
4. Court’s Order Finding Ownership in the Property and Directing its Sale Pursuant to Terms of Order [Docket No. 176] (Filed February 8, 2015)
5. Court’s Order Authorizing the Examination of Roderick Reyes and Victoria Prestino [Docket No. 227] (Filed May 16, 2015)
6. Objection of Reyes and Prestino to Motion to Compel [Docket No. 244] (Filed July 15, 2015)

Status: The Motion to Dismiss and Pretrial Conference are going forward if the matter is not resolved in principle.

*[Continued on next page]*

Dated: New York, New York  
November 19, 2015

**KLESTADT WINTERS JURELLER  
SOUTHARD & STEVENS, LLP**

By: /s/ Fred Stevens

Fred Stevens  
200 West 41<sup>st</sup> Street, 17<sup>th</sup> Floor  
New York, New York 10036-7203  
Tel: (212) 972-3000  
Fax: (212) 972-2245  
Email: fstevens@klestadt.com

*Special Counsel to Richard E. O'Connell, as  
Chapter 7 Trustee*